

## **REMARKS**

Applicants respectfully request reconsideration of this application as amended. Claims 1-27 have been amended. Claims 28-30 have been cancelled without prejudice. New claims 31-33 have been added. Therefore, claims 1-27 and 31-33 are presented for examination.

### **Claim Objections**

Claim 29 is objected to because of an informality. Claim 29 has been cancelled without prejudice, which obviates the objection.

### **35 U.S.C. § 102(e) Rejection**

Claim 28 stands rejected under 35 U.S.C. §102(e) as being anticipated by Williams et al., U.S. Patent No. 6,957,269 (“Williams”). Claim 28 has been cancelled thus obviating this rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

### **35 U.S.C. § 103(a) Rejection**

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Lee et al., U.S. Patent No. 6,859,435 (“Lee”).

Applicants respectfully submit that Williams discloses “[a] network device that controls the communication of data frames between stations receive[d] data frames having different priorities. (Abstract). Williams further discloses that the network device includes “output control queues . . . [that] include multiple priority queues for frames having different level of priority.” (col. 5, lines 34-38). Williams further modifies the

standard MAC control to include a “priority field . . . to advantageously enable . . . selectively suspend[ing] data transmissions.” (col. 7, lines 57-58).

Lee discloses a “receiving node [that] monitors the priority levels of arriving and departing packets, and increasing of priority levels of previously stored packets, and thus keeps track of the total space in [a] buffer at [the receiving node] occupied by packets of various priority levels.” (col. 5, lines 62-66).

In contrast, claim 1, in pertinent part, recites “determining a flow control priority level based on one or more of a class-of-service, a type-of-service, a quality-of-service, and a time sensitivity of the Ethernet traffic, wherein the flow control priority level denotes an identified priority level above and/or below which the network device is able to receive Ethernet traffic.” (emphasis provided). Applicants submit that neither Williams nor Lee teach or reasonably suggest such a feature. Williams discloses “multiple priority queues for frames having different level of priority” (col. 5, lines 34-38).; however, Williams fails to teach or reasonably suggest “determining a flow control priority level based on one or more of a class-of-service, a type-of-service, a quality-of-service, and a time sensitivity of the Ethernet traffic, wherein the flow control priority level denotes an identified priority level above and/or below which the network device is able to receive Ethernet traffic” as recited by claim 1. (emphasis provided).

Lee discloses “monitor[ing] the priority levels of arriving and departing packets” (col. 5, lines 62-66); however, Lee fails to teach or reasonably suggest “determining a flow control priority level based on one or more of a class-of-service, a type-of-service, a quality-of-service, and a time sensitivity of the Ethernet traffic, wherein the flow control priority level denotes an identified priority level above and/or below which the network device is able to receive Ethernet traffic” as recited by claim 1. (emphasis provided).

Accordingly, Applicants respectfully request that the rejection of claim 1 and its dependent claims be withdrawn. Claims 14 and 21 include limitations similar to those of claim 1. Accordingly, Applicants respectfully request that the rejection of claims 14 and 21 and their dependent claims be withdrawn.

### **New Claims**

New claim 31 includes limitations similar to those of claim 1. New claims 32-33 depend from claim 31. Accordingly, Applicants submit that claims 31-33 are in proper condition for allowance.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

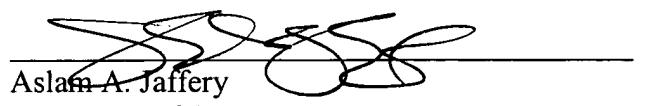
**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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